

EXHIBIT AA

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually,)
and on behalf of a class of)
others similarly situated,)
)
Plaintiff,)
)
vs.) Case No.
) 1:08cv-002488-SS
DELL INC.,)
and)
DELL MARKETING USA L.P.,)
)
Defendants.)
)

DEPOSITION OF:

PARVIN M. GREENE, III

Taken on behalf of the Defendants

January 7, 2009

VOWELL & JENNINGS, INC.
Court Reporting Services
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1 every time that's totally different from the
 2 next thing.
 3 And, depending on who you was talking to,
 4 it might not be the same form because it could be
 5 somebody from corporate and then somebody from -- at
 6 the actual location so ...
 7 Q And then if you looked at page 12,
 8 this is two separate calculations for overtime,
 9 base salary, and incentive pay. Let's just
 10 walk through this and see if you understand
 11 this.
 12 Base pay overtime, the overtime
 13 calculation, SR1B, do you know what SR1B is? Was
 14 that the -- sales representative 1B, is that the
 15 starting job category?
 16 A Yeah. But I think that, you know --
 17 it depends on where you come in. I thought
 18 they -- that might be home sale rate or
 19 something. So, like I said, I never did
 20 understand what it broke down.
 21 Q Okay. And -- but sales representative
 22 1B is a job category of some kind, right?
 23 A Yeah. It's a -- it is a salary
 24 ranking but ...
 25 Q But exactly what, you weren't sure?

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1 A Yeah.
 2 Q And then annual total TTC stands for
 3 total target compensation?
 4 A Yeah. Total, yeah.
 5 Q And then 30,000. And then you have a
 6 biweekly base salary of -- this is just an
 7 example I'm giving you here -- 923.08.
 8 And if that's your biweekly base salary,
 9 you can understand how you get the weekly base
 10 salary; you just divide by two?
 11 A Yeah. But that never, you know -- if
 12 you got the salary, like I said, your salary
 13 would never be the same.
 14 Q Right. But I mean, just for
 15 understanding the example, you understand that
 16 if know what your biweekly base salary is, you
 17 divide by two to get your -- you should divide
 18 by two --
 19 A Yeah. Here I can read that and
 20 understand it. But on a weekly basis, I
 21 wouldn't know what I was going to get paid
 22 because --
 23 Q Because it varied.
 24 A It varied. It never was set in stone
 25 because you -- like I don't know if they get to

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1 take out taxes on one check and pick it up.
 2 But you might get a check, you know -- I don't
 3 know if you knew this.
 4 Like they maybe overpaid you by accident
 5 because somebody in financing overcalculated. And
 6 so they might have overcalculated months ago.
 7 They're going to come back and get their money and
 8 it's not even your fault but they are going to take
 9 their money back.
 10 Q Okay. And then it says, total hours
 11 worked in week, 45, equal five hours of
 12 overtime. And you -- that's what your
 13 understanding was how it worked at Dell; if you
 14 worked over 40 hours you would be working
 15 overtime, correct?
 16 A Yeah. But it wouldn't show up on my
 17 check, that overtime, like that.
 18 Q And then, here again in the example,
 19 it says 461.54. Do you see where that figure
 20 comes from?
 21 A 461.54?
 22 Q Do you see where the --
 23 A Is that supposed to be my week's
 24 salary?
 25 Q Yeah. In this example, it's showing

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1 that's your weekly base salary.
 2 So do you see where the 461.54 comes from?
 3 A Now, is this just somebody starting or
 4 what?
 5 Q Yeah. This is just an example of how
 6 the calculation works. So these are just
 7 assumed figures.
 8 So if you see an assumed weekly figure
 9 divided by 45, you see how that calculation works,
 10 correct?
 11 A I mean, I see it, but I don't
 12 understand it. That's what I'm saying. I
 13 mean, I see this, what you're giving me --
 14 Q Right.
 15 A -- in hard print.
 16 Q You see it now but -- and I'm --
 17 A But this was explained to us and, like
 18 I said, these I don't remember seeing nothing
 19 in detail that was given to me that we had
 20 this. That's what I'm saying.
 21 Q Do you think this might have been one
 22 of the things that was put up on the
 23 presentation and walked through but was kind of
 24 one of those things that didn't make a lot of
 25 sense at the time?

18 (Pages 66 to 69)

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1 were handled and the way when they brought you
 2 lunch but you were still taking calls?
 3 A Well, you brought your lunch taking
 4 calls. They still would want you to clock out
 5 at least 30 minutes for lunch. And that was in
 6 08 and in 04.
 7 Q Okay.
 8 A So ...
 9 Q Were you familiar with any way to
 10 adjust Kronos -- did you need to do anything to
 11 Kronos or did you just put in the times that
 12 you took lunch?
 13 A I would put in the time, you know what
 14 I'm saying, you know -- they would be like, you
 15 don't have to take a full hour. Take 30
 16 minutes. You can clock out, saying that you
 17 had lunch, but you can't do a full hour. So I
 18 just put 30 minutes on that day.
 19 Q Okay.
 20 A But, I mean, they make us -- we had to
 21 work through lunch. I know that so ...
 22 Q If you had to estimate how many hours
 23 you worked through lunch that you think you
 24 didn't get paid for, what would you say?
 25 A I'm, you know -- I'm not for sure, you

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1 know what I'm saying. I figured my log-ins and
 2 email times and stuff like that should give the
 3 substantial reason of what it is.
 4 I mean, I don't want to sit here and just
 5 give you something off the head because I'm not for
 6 sure. I don't know.
 7 Q Could you sit down if you took time to
 8 put it to pencil and paper and estimate it?
 9 A Not two and a half to three years.
 10 No, I can't. I mean -- I mean, log in, emails,
 11 and everything, you know, from the network
 12 should tell it all.
 13 And I know they have it. I know they've
 14 got it, because they know every time somebody logs
 15 into that system and where you log in any time.
 16 MR. FOX: Let's take a break and
 17 let me just look through and see if there's
 18 anything else we need to cover.
 19 (Brief break taken.)
 20 BY MR. FOX:
 21 Q Mr. Greene, did you ever talk to --
 22 with anyone other than your managers about
 23 whether or not time worked at home should be
 24 put into Kronos?
 25 A You know, I asked my managers and they

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1 were like, that's just something that you --
 2 that was always known as a privilege to you so
 3 you can get ahead so you're not behind at work.
 4 And there's never been explained to us that
 5 you could log in time. Because I always understood
 6 that you couldn't log in time unless you was at
 7 work.
 8 Q Who told you that?
 9 A I mean, that was explained to us, you
 10 know, in training or even when I had 08
 11 training. Because there's a training for 04
 12 and there's a training for --
 13 Q Who was the trainer for 08?
 14 A Oh, Lord. I knew you were going to
 15 ask that. Oh, man, I can't think of her name.
 16 Q It was a woman?
 17 A Yeah. Because she's not even a
 18 trainer. They put her back on the phones. I
 19 do not know her name. I mean, if ...
 20 Q She was here in Nashville?
 21 A Yeah, she was here in Nashville,
 22 though.
 23 Q And she told you that if you worked at
 24 home, not to put the time in Kronos?
 25 A Just in general of the job. And then

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1 like, you know -- like your manager breaks down
 2 the details of the actual job when he gives you
 3 access. And I asked him before like is it okay
 4 to log in hours at home and he's like no,
 5 that's --
 6 Q Which one?
 7 A Rich. Rich and Broander.
 8 Q And what's Broander's first name?
 9 A Chris.
 10 Q Chris Broander. So both of the -- you
 11 asked both of them and both of them said no,
 12 you can't put time in?
 13 A Yeah. Because it's going to show up a
 14 red flag. Why did you clock in at home.
 15 MR. FOX: I'll pass the witness.
 16 EXAMINATION
 17 BY MR. DAMERON:
 18 Q Mr. Greene, I just have a few really
 19 brief follow-up questions. If you could turn
 20 back to Exhibit 3.
 21 If you want to take a second, just to --
 22 A Okay.
 23 Q -- kind of thumb through that really
 24 quickly.
 25 I just wanted to clarify, do you remember

30 (Pages 114 to 117)

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1 seeing this while you were employed at Dell?
 2 A I mean, I seen, you know, just a few
 3 of these things but never a breakdown of this
 4 itself, as a packet or a form.

5 You'll see a lot of different information,
 6 but I never got a breakdown on what exactly it is
 7 like this. I know that so ...

8 Q Do you remember seeing these specific
 9 PowerPoint slides while you were employed at
 10 Dell?

11 A Not these specific ones, no.

12 Q Okay. You can set that aside.

13 Regarding your salary, what was your
 14 understanding of the salary and how it would work
 15 while you were employed at Dell if you worked fewer
 16 than 40 hours a week?

17 A That you only got paid for what you
 18 worked to log in. And if you didn't have any
 19 PBA or any salary, you wouldn't get paid. You
 20 only get paid -- like if it's a 40-hour
 21 workweek on a salary, you know you're going to
 22 get paid for 40 regardless.

23 And on a salary nonexempt, if you only put
 24 30 hours in, you only got paid for 30. When you got
 25 your check, it would be ten hours short.

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1 MR. DAMERON: I have no further
 2 questions. Thank you.

3 EXAMINATION

4 BY MR. FOX:

5 Q Mr. Greene, who specifically told you
 6 that information; that if you put in fewer than
 7 40 hours worked, you would only get paid for
 8 that amount?

9 A When I get my check, it'll show how
 10 many hours you worked that week. It'll show
 11 30, and you'll see why your hours are short.
 12 And then you go back and look.

13 Because the actual time that you did on the
 14 last pay period is locked and you can go back and
 15 look and it'll show that the time wasn't in there.

16 So you have to go back and do sort of like
 17 a wild form and go back and put it in and tell them
 18 that you forgot to put it in or just by accident. I
 19 didn't get paid for it and they would have to get it
 20 approved by your manager and the RSM. He has to
 21 approve it, that you was there.

22 Q And do you know -- so, basically, your
 23 understanding was based on your personal
 24 experience on your paycheck?

25 A Yeah. I mean, I had a couple

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1 paychecks because at one time during Christmas
 2 I went and I, you know, I didn't log my hours.
 3 But, you know, I was thinking because of salary
 4 I'm still going to get paid. And when I got my
 5 check, it wasn't nothing but like probably,
 6 what? I think 60 hours maybe. I was like 20
 7 short.

8 So I had to go back and do a trouble ticket
 9 and show them -- or a wild form and let them know.
 10 (Marked Exhibit No. 4.)

11 BY MR. FOX:

12 Q Mr. Greene, let me show you what's
 13 been marked as Exhibit 4. And if you look on
 14 the -- this is the second page.

15 I think the way this really works is like
 16 1870 and 1871. And, actually, I think all the
 17 others -- this is really like one long spreadsheet
 18 so it's a little hard to read.

19 But if you look on the second, it looks to
 20 be Parvin Greene. And I assume -- was 902503 -- was
 21 that your Dell ID number?

22 A Yeah. 9025 -- that was my log in,
 23 yeah.

24 Q And these, if you look on the third
 25 page, it says payroll hours correction request.

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1 A Okay.

2 Q Do you follow that?

3 A Yeah.

4 Q And then -- so let's see if there is
 5 one around Christmastime.

6 Do you remember which Christmas it was?

7 A It's hard to read it.

8 Q Well, it looks like, first of all, the
 9 created date on the first page shows -- like
 10 there's 119 --

11 A It'll probably be right up here
 12 because you had to log it in at the end.

13 Q Right. So it would probably be the 119?

14 A 119. Because it goes back to the end
 15 of the year and the pay doesn't come until two
 16 weeks later.

17 Q Okay. And so if we look down to -- if
 18 we follow that through, if you look on the
 19 third page, it starts and says day one, do you
 20 see at the end of the third page, 12/26/2006?

21 At the end of the third page, Dell 1872
 22 down on the bottom?

23 A Okay.

24 Q Do you see where it says day 12/26/06?

25 A Uh-huh.

31 (Pages 118 to 121)